

REMARKS

This is a full and timely response to the Office Action mailed June 02, 2008, submitted concurrently with a one month extension to extend the due date for response to October 2, 2008.

By this Amendment, claim 1 has been amended to more particularly define the present invention. Further, new claim 14 has been added to further protect specific embodiments of the present invention. Thus, claims 1-14 are currently pending in this application. Support for the claim amendment and new claim can be readily found variously throughout the specification and the original claims.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §102 and §103

Claims 1-5, 7 and 8 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Elliott et al. (U.S. Patent No. 5,716,985). Further, claim 9 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Elliott et al. in view of Reiter et al. (U.S. Patent No. 6,475,725 B1). Applicant respectfully traverses these rejections.

To constitute anticipation of the claimed invention under U.S. practice, the prior art reference must literally or inherently teach each and every limitation of the claims. Further, to establish a *prima facie* case of obviousness, the cited reference(s) must teach or suggest the invention as a whole, including all the limitations of the claims. Here, in this case, none of the cited references, Elliott et al. and Reiter et al., teach or suggest all the limitations of the claims with particular emphasis on the limitations "*A method for preparing a cultured mammalian cell extract liquid for cell-free protein synthesis, comprising at least the step of rapidly freezing a cultured mammalian cell suspended in a solution for extraction*".

Based on Applicant's review of the cited references, both Elliott et al. and Reiter et al. does not teach or suggest the limitation "*for cell-free protein synthesis*". In particular, Elliott et al. only teaches a CHO Cell Membrane Preparation for a binding assay which is completely unrelated to the cultured mammalian cell extract for cell-free protein synthesis of the present invention. To

emphasize this distinction between the present invention and cited references, Applicant has amended the claims to direct only to a cultured mammalian cell extract for cell-free protein synthesis.

Further, Applicant has also added new claim 14 to direct to additional components which relates to and enhances the process of cell-free protein synthesis. More specifically, Applicant has added new claim 14 to more particularly define the solution for extraction to comprise at least a potassium salt, a magnesium salt, dithiothreitol and a buffer. As noted in the specification, potassium and magnesium salts act as a cofactor in the protein synthesis reaction. When the content of the potassium salt is less than 10 mM or more than 500 mM, and when the content of the magnesium salt is less than 0.1 mM or more than 10 mM, the components essential for protein synthesis tend to become unstable. Also, dithiothreitol is added for prevention of oxidization, and is preferably contained in an amount of 0.1 mM-10 mM in the solution for extraction. Hence, Applicant believes that new claim 14 clearly distinguishes the prepared cultured mammalian cell extract of the present invention from the CHO Cell Membrane Preparation of Elliot et al.


Thus, since none of the cited references teach or suggest all of the limitations of the newly amended claims, withdrawal of these rejections is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: October 2, 2008

Respectfully submitted,

By:  _____

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